

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6266

BILL NUMBER: SB 488

NOTE PREPARED: Nov 18, 2010

BILL AMENDED:

SUBJECT: Dispensing of Drugs by Pharmacists.

FIRST AUTHOR: Sen. Steele

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a pharmacist may not be required to dispense or sell a drug or medical device if the drug or medical device would be used to: (1) cause an abortion; or (2) cause the death of a person by means of assisted suicide, euthanasia, or mercy killing.

It also specifies certain actions that a pharmacist must take when refusing to dispense a drug or medical device.

It also states that a pharmacy must have a policy in place to dispense or sell a drug or medical device that a pharmacist refuses to dispense or sell.

The bill specifies that a pharmacist's refusal to dispense or sell a drug or medical device may not be the basis for: (1) a claim of damages against the pharmacist or pharmacy; and (2) disciplinary action against the pharmacist. It provides that a pharmacist has a cause of action against an employer who knowingly or intentionally takes disciplinary, retaliatory, or discriminatory action against a pharmacist who refuses to dispense or sell a drug or medical device and specifies recovery. The bill also authorizes the Indiana Board of Pharmacy to assess additional fines against the employer.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues: The bill could increase revenue to the state General Fund from court fees from civil actions and from fine revenue.

First, if additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Second, under the bill, the Indiana Board of Pharmacy may impose an additional fine of between \$5,000 and \$10,000 on an employer, if a pharmacist has successful action against the employer. Administrative fine revenue is deposited in the state General Fund unless otherwise specified in the statute.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

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